

1507 – 21st Street, Suite 330  
Sacramento, California 95811  
Telephone: (916) 445-1888  
Contact Person: Holly Victor  
[www.nmvb.ca.gov](http://www.nmvb.ca.gov)

STATE OF CALIFORNIA  
NEW MOTOR VEHICLE BOARD  
**A G E N D A**  
**GENERAL MEETING**

New Motor Vehicle Board  
Hearing Room #1  
1507 21<sup>st</sup> Street, Suite 330  
Sacramento, California 95811

March 15, 2017

Please note that Board action may be taken regarding any of the issues listed below. As such, if any person has an interest in any of these issues, he or she may want to attend.

The Board provides an opportunity for members of the public to comment on each agenda item before or during the discussion or consideration of the item as circumstances permit. (Gov. Code § 11125.7) However, comments by the parties or by their counsel that are made regarding any proposed decision, order, or ruling must be limited to matters contained within the administrative record of the proceedings. No other information or argument will be considered by the Board. Members of the public may not comment on such matters.

1. **2:30 p.m. -- Meeting called to order.**
2. **Roll Call.**
3. **Pledge of Allegiance.**
4. **Closed Executive Session.**

Pursuant to Government Code section 11126(e)(1), the Public and Dealer Members of the Board shall convene in a closed Executive Session.

**Discussion and advice from legal counsel concerning pending litigation.**

ROADTREK MOTORHOMES, INC., a Canadian corporation v. NEW MOTOR VEHICLE BOARD, STATE OF CALIFORNIA; MEGA RV CORP., a California corporation doing business as MCMAHON'S RV (Real Party in Interest)

Orange County Superior Court - Central Justice Center

Case No. 30-2013-00624042-CU-PT-CJC

Protest Nos. PR-2199-10 and PR-2201-10

Discussion and advice from the Board's legal counsel concerning pending litigation, by the Public and Dealer Members of the Board.

**5. Open Session.**

**6. Oral Presentation before the Public Members of the Board.**

a. DEPENDABLE DODGE, INC. v. FIAT CHRYSLER AUTOMOBILES, INC.  
Protest Nos. PR-2435-15 and PR-2436-15

b. MATHEW ENTERPRISE, INC., dba STEVENS CREEK CHRYSLER JEEP DODGE AND RAM v. FCA US, LLC  
Protest Nos. PR-2484-16, PR-2485-16, PR-2486-16 and PR-2487-16

**7. Closed Executive Session deliberations.**

Pursuant to Government Code section 11126(c)(3), Vehicle Code section 3008(a), and Title 13, California Code of Regulations, sections 581 and 588, the Board convenes in closed Executive Session to deliberate the decisions reached upon the evidence introduced in proceedings that were conducted in accordance with Chapter 5 (commencing with section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

Pursuant to Government Code section 11517(c)(2), the Board could adopt the proposed decision, make technical or other minor changes, reject the proposed decision and remand the case, or reject the proposed decision and decide the case upon the record.

**a. Consideration of Proposed Decision.**

DEPENDABLE DODGE, INC. v. FIAT CHRYSLER AUTOMOBILES, INC.  
Protest Nos. PR-2435-15 and PR-2436-15

Consideration of the Administrative Law Judge's Proposed Decision, by the Public Members of the Board.

b. **Consideration of Proposed Order.**

MATHEW ENTERPRISE, INC., dba STEVENS CREEK CHRYSLER JEEP  
DODGE AND RAM v. FCA US, LLC

Protest Nos. PR-2484-16, PR-2485-16, PR-2486-16 and PR-2487-16

Consideration of the Administrative Law Judge's Proposed Order Granting Respondent's Motion to Dismiss Protests, by the Public Members of the Board.

8. **Open Session.**

9. **Consideration of the Writ of Mandate in *Roadtrek Motorhomes, Inc., a Canadian Corporation v. New Motor Vehicle Board, State of California; Mega RV Corp., a California corporation doing business as McMahon's RV (Real Party in Interest)*, Orange County Superior Court - Central Justice Center, Case No. 30-2013-00624042-CU-PT-CJC**

a. MEGA RV CORP. dba MCMAHONS RV v. ROADTREK MOTORHOMES, INC.

Protest No. PR-2199-10

Veh. Code § 3070 Modification (Colton)

Consideration of the Orange County Superior Court's Writ of Mandate wherein the Court ordered the Board to set aside its October 17, 2012 Decision in Protest No. PR-2199-10, and directed the Board to rehear Protest No. PR-2199-10 and proceed in the manner required by law in determining whether there has been a modification of Mega RV's franchise, by the Public and Dealer Members of the Board.

b. MEGA RV CORP. dba MCMAHONS RV v. ROADTREK MOTORHOMES, INC.

Protest No. PR-2201-10

Veh. Code § 3070 Modification (Irvine)

Consideration of the Orange County Superior Court's Writ of Mandate wherein the Court ordered the Board to set aside its October 17, 2012 Decision in Protest No. PR-2201-10, and directed the Board to rehear Protest No. PR-2201-10 and proceed in the manner required by law in determining whether there has been a modification of Mega RV's franchise, by the Public and Dealer Members of the Board.

10. **Annual review of the Board's mission and vision statements - Executive Committee.**

11. **Annual update on training programs attended by staff - Administration Committee.**

12. **Board member education concerning changes to the Administrative Procedure Act, Bagley-Keene Open Meeting Act, Political Reform Act, and Public Records Act - Board Development Committee.**
13. **Board financial condition report for the 2<sup>nd</sup> quarter of fiscal year 2016-2017 - Fiscal Committee.**
14. **Discussion and consideration of the upcoming Industry Roundtable - Government and Industry Affairs Committee.**
15. **Consideration of the 2017 edition of the *New Motor Vehicle Board Administrative Law Judges' Benchbook* - Policy and Procedure Committee.**
16. **Executive Director's Report.**
  - A. Administrative Matters.
  - B. Case Management.
  - C. Judicial Review.
  - D. Notices Filed Pursuant to Vehicle Code sections 3060/3070 and 3062/3072.
  - E. Other.
17. **Approval of the Minutes from the January 18, 2017, General Meeting.**
18. **Consideration of presentation of Resolution to Michael J. Flanagan, retiring dealer attorney.**
19. **Public Comment. (Gov. Code § 11125.7)**
20. **Adjournment.**

<p>To request special accommodations for persons with disabilities at this or any future Board meeting or to request any accommodation for persons with disabilities necessary to receive agendas or materials prepared for Board meetings, please contact Holly Victor at (916) 445-1888 or <a href="mailto:Holly.Victor@NMVB.CA.GOV">Holly.Victor@NMVB.CA.GOV</a>.</p>
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------